

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

AVKO EDUCATIONAL RESEARCH
FOUNDATION, DONALD J. MCCABE,

Plaintiffs,

v.

Case No: 11-13381-BC
Honorable Thomas L. Ludington

THOMAS A. MORROW, WAVE 3
LEARNING, INC., HOME SCHOOL
HOLDINGS, INC., and HOME
SCHOOL, INC.,

Defendants.

ORDER TO SUBMIT MATERIAL FOR CASE MANAGEMENT ORDER

YOU ARE NOTIFIED TO SUBMIT BY: OCTOBER 7, 2011 and serve on opposing counsel and the Judge's chambers, a short statement (DOUBLE SPACED) *which shall not be filed with the Clerk's office or electronically filed*, which:

- Summarizes the background of the action and the principal factual and legal issues;
- Outlines the proposed discovery;
- Describes any outstanding or anticipated discovery disputes, and the basis you have for any objection;
- Discloses insurance available to satisfy part or all of a judgment, including indemnification agreements; and
- Proposes an appropriate management plan, including a schedule setting discovery cut-off and trial dates.

A Case Management and Scheduling Order will be issued in response to your short statements by the Court without an initial scheduling conference unless counsel requests same by motion because of the unique circumstances of their case.

If counsel have met pursuant to Fed. R. Civ. P. 26(f), your proposed discovery plan may be filed in lieu of these statements, supplemented as necessary to provide the above information.

The parties are directed to include the following information:

- A. The issues and narrowing the issues;
- B. Subject matter jurisdiction;
- C. Relationship to other cases;
- D. Necessity of amendments to pleadings, additional parties, third-party complaints, etc.;
- E. Settlement, including alternative dispute resolution;
- F. Progress of discovery;
- G. Issues which may appropriately be resolved by motion; and
- H. Estimated trial length.

Counsel are directed to discuss with their clients facilitative mediation and case evaluation (formerly “mediation”) and the prospect of obtaining authority to stipulate to be bound by the provisions of Mich. Ct. R. 2.403, including the section dealing with sanctions.

s/Thomas L. Ludington _____
THOMAS L. LUDINGTON
United States District Judge

Dated: September 22, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing notice was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 22, 2011.

s/Tracy A. Jacobs _____
TRACY A. JACOBS